

REMARKS

Introduction

Applicant respectfully thanks Examiner Johnson for the courtesies extended in the personal interview of February 22, 2007. Applicant also notes with appreciation the Examiner's indication that claims 51-55 are allowed.

Upon entry of the foregoing amendment, claims 1-65 are pending in the present application. Claims 1 and 43 have been amended and new claims 63-65 have been added. No new matter is being included. In view of the following remarks, allowance of the pending claims is respectfully requested.

Examiner Interview

In the interview of February 22, 2007, the Examiner agreed that "Kwon et al does not appear to disclose" "a plurality of magnets on each side of the pane." *See* Interview Summary of February 22, 2007. The Examiner further stated that, with respect to other amendments, he would consider them when formally presented.

Claims 1-42

With reference to the Office Action of September 29, 2006, the Examiner rejected claims 1, 8, 10, 11, 16, 25, and 26 under 102(b) as being anticipated by Kwon et al. (U.S. Patent Application Publication No. 2003/0173036). Applicant requests reconsideration of these claims for at least the following reasons.

As pointed out in the Examiner interview, Kwon et al. do not disclose, teach, or suggest "an external housing disposed on a surface of the inner glass pane opposite to the inner follower carriage, the external housing having an external carriage disposed therein magnetically coupled to said inner follower carriage via said inner glass pane, said external carriage being moveable with respect to the external housing to move said inner follower carriage, and movement of the external carriage being guided by the external housing," as presently recited in independent claim 1 of Applicant's invention.

More specifically, Kwon et al. describe a pull cord holder 29 that cooperates with an up down hand 16 along a side rail 5. *See Kwon et al.* FIG. 1. However, as described in paragraphs [0049] and as shown in FIGS. 2, 4, 8, and 9 of Kwon et al., Kwon et al.'s up down hand 16 is not the same as "an external housing disposed on a surface of the inner glass pane ..., the external housing having an external carriage disposed therein ... being moveable with respect to the external housing to move said inner follower carriage, and movement of the external carriage being guided by the external housing," as presently recited.

In contrast with the present invention, Kwon et al.'s up down hand 16 includes a magnet inserting hole 16-2 formed in the lower portion and a roller 16-3 disposed at both ends so that the up down hand 16 can be raised and lowered along the window. *See Kwon et al.* paragraphs [0051] and [0076]. Thus, Kwon et al.'s movable up down hand 16 is not "disposed [in an external housing]" and "moveable with respect to the external housing to move said inner follower carriage, and movement of the external carriage being guided by the external housing," as presently recited in independent claim 1 of Applicant's invention. Therefore, Kwon et al. do not anticipate independent claim 1.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as contained in the...claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). "The elements must be arranged as required by the claim..." *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990). Further, in the event that the Office Action is relying on the theory of inherency in any manner, "the Examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied art." Ex parte Levy, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990) (emphasis in original). See also MPEP 2112.

Accordingly, since Kwon et al. do not explicitly or inherently show every element as presently recited in independent claim 1, Kwon et al. cannot be properly used to reject independent claim 1 under 35 U.S.C. § 102. Therefore, it is respectfully submitted that

independent claim 1 is allowable over Kwon et al., and withdrawal of this rejection and allowance of this claim are earnestly solicited.

Regarding claims 8, 10, 11, 16, 25, and 26, it is respectfully submitted that for at least the reason that claims 8, 10, 11, 16, 25, and 26 depend from allowable independent claim 1, and therefore contain each of the features as presently recited in this claim, claims 8, 10, 11, 16, 25, and 26 are therefore also patentable over the references previously relied on by the Examiner.

Claims 43-50

Independent claim 43 has been amended to recite, *inter alia*, “an inner follower carriage ... including a first plurality of magnetic carriage assemblies arranged adjacent to each other” and “an external carriage disposed outside said glass panes and magnetically coupled to said inner follower carriage, said external carriage ... including a second plurality of magnetic carriage assemblies arranged adjacent to each other, the second magnetic carriage assemblies being magnetically coupled to the first magnetic carriage assemblies of said inner follower carriage.”

As set forth in the Examiner interview, Kwon et al. do not disclose, teach, or suggest these features. Therefore, Applicant respectfully submits that independent claim 43 is allowable over the references cited by the Examiner.

Regarding claims 44-50, it is respectfully submitted that for at least the reason that claims 44-50 depend from allowable independent claim 43, and therefore contain each of the features as presently recited in this claim, claims 44-50 are therefore also patentable over the references previously relied on by the Examiner.

Claims 63-65

Claims 63-65 have been newly added. New independent claim 63 recites features, which as discussed in the interview of February 22, 2007, are not disclosed, taught or suggested in the references cited by the Examiner. For example, independent claim 63 recites, among other things, “an inner carriage ... including a first support plate having a first plurality of magnetic carriage assemblies arranged thereon” and “an external carriage ... including a second support plate having a second plurality of

magnetic carriage assemblies arranged thereon such that said external carriage is moveable along said glass panes to move said inner carriage.” In view of the points discussed in the interview, Applicant respectfully submits that new independent claim 63 is allowable over the references previously relied upon in the Office Action of September 29, 2006.

Moreover, dependent claim 64 is also patentable over the references cited by the Examiner, at least, by virtue of its dependency on allowable independent claim 63.

New independent claim 65 is an alternative recitation of independent claim 63 and has some similar features, which as pointed out above, are not taught in the prior art of record, for example, “an inner carriage … including a first plurality of magnetic carriage assemblies arranged adjacent to each other” and “an external carriage … including a second plurality of magnetic carriage assemblies arranged adjacent to each other, the second magnetic carriage assemblies being magnetically coupled to the first magnetic carriage assemblies of said inner carriage such that said external carriage is moveable along said glass panes to move said inner carriage.” Applicant respectfully submits that new independent claim 65 is allowable over the references previously relied upon by the Examiner.

Applicant respectfully submits that support for newly added claims 63-65 can be found in FIGS. 6 and 7 and corresponding portions of the detailed description. Accordingly, it is respectfully submitted that new claims 63-65 do not present new matter, and are allowable over the prior art of record. Allowance of these claims is earnestly solicited.

Conclusion

In view of the above, Applicant respectfully submits that claims 1-65 are allowable, and the present application is in condition for allowance. Accordingly, Applicant respectfully requests that the Examiner issue a notice of allowance to this effect.

It is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, there being no other objections or rejections, this application is in condition for allowance, and a notice to this effect is earnestly solicited.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided below.

A fee of \$1000 for a two-month extension of time and additional claims has been incurred by this Amendment. If any further fees are required in connection with the filing of this amendment, please charge the same to our Deposit Account debit Account 50-0548.

Respectfully submitted,



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